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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,489	08/24/2005	Fabian Wildfang	SMB-PT128 (PC 03 574 B US	8641
3624 7590 12/02/2008 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER KRUER, KEVIN R	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 12/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,489	<b>Applicant(s)</b> WILDFANG, FABIAN	
	<b>Examiner</b> KEVIN R. KRUER	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/14/2005</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-9, drawn to a method of external coating of a plastic part.

Group II, claim(s) 10-20, drawn to an outlet part.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art. The shared technical features that each and every claim has in common are the limitations of claim 1. The shared technical features fail to define a special technical feature because said features fail to make a contribution over the prior art. Specifically,

NEED ART

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

4. The information disclosure statement filed 2/14/2005 has been considered. An initialed copy of said IDS is enclosed herein.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admissions in view of Kratschmer (US 4,275,116).

Applicant admits the general structure of an armature outlet of a sanitary armature. Specifically, Applicant admits that most sanitary outlet armatures have, in the areas of their armature outlet, an outlet mouth or similar outlet part that is fastened releasably to the outlet armature and that surrounds the armature outlet (004). Said armatures may be made of plastic and may be coated with a metal (0006). Said outlet part is understood to read on the jet regulator housing of claim 19 as said part will inherently comprise a jet regulating device or a flow rectifier.

Applicant does not admit that the coating may comprise a heat sealable adhesive coated with a metal coating and a protective layer. However, Kratschmer teaches a metallized hot stamping film for decorating three dimensional objects (abstract). The foil comprises a thermo-adhesive (herein understood to read on the claimed heat sealable layer), a lacquer, a metal layer, and a second lacquer (herein relied upon to read on the

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claimed protective layer). The metal may comprise aluminum, chromium, or similar metallic appearance (col 3, lines 18+). The foil has the advantage of not cracking when applied to a three dimensional object (col 1, lines 57+). Thus, it would have been obvious to the skilled artisan to utilize the foil taught in Kratschmer to apply the metal layer to an armature admitted to by applicant because said foil will not crack upon application.

With regards to claims 13-15, it would have been obvious to the skilled artisan to apply the coating to any or all parts of the surface of the armature in order to obtain the desired aesthetic affect.

7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admissions in view of Kratschmer (US 4,275,116), as applied to claims 9-15 and 18-20 above, and further in view of Suzuki (US 5,164,245).

Applicant's admissions in view of Kratschmer is relied upon as above, but does not teach the laminate should be printed. However, Suzuki teaches a metallized multilayer film (abstract) for use in decorative manufacture articles (col 1, lines 11+). Said film is taught to be desirably printable (col 3, lines 1+). Thus, it would have been obvious to the skilled artisan at the time the invention was made to print at least one of the layers taught in Kratschmer because Suzuki teaches printed subject matter is desirable in such metallized decorative films. With regards to claim 18, said layer may be trap printed. Alternatively, the carrier layer is understood to read on the claimed protective film.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Krue/

Primary Examiner, Art Unit 1794